

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2823

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Section 42421 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2823, as amended, Ruskin. Air pollution: district compliance programs.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law permits a district to establish by regulation a permit system, as provided. Existing law also requires each district with a population of one million or more to establish a compliance program consisting of specified elements, *including procedures to ensure the consistent issuance of notices of compliance and notices of violations*. Existing law generally provides that a violation of any rule, regulation, or law relating to air pollution is a crime.

This bill would require a district that has a population of one million or more, for any notice of violation *of specified nuisance laws and regulations, to post a copy of the notice of violation on the district's Internet Web site, no more than 2 days after ensuring that the*

information on the notice is accurate, thereby imposing a state-mandated local program. when the violation contributes to, or potentially conceals, an emission that contributes to unhealthy air quality, to post a copy of the notice of violation on the district's Internet Web site, and provide a copy of the notice of violation to specified persons within 1,000 feet of the facility for which notice of the violation was issued. The bill would require any person found to have committed a violation to reimburse the district for the actual cost to the district of providing notice of the violation, in addition to any administrative, civil, or criminal penalties that are imposed relating to the same violation.

Because this bill would create new crimes by requiring a violator to pay for specified costs, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42421 of the Health and Safety Code is
- 2 amended to read:
- 3 42421. Each district that has a population of one million or
- 4 more shall do both of the following:
- 5 (a) Establish a compliance program that shall consist of all of
- 6 the following elements:

1 (1) Procedures to ensure the consistent issuance of notices of
2 compliance and notices of violations.

3 (2) A compliance assistance program to provide information to
4 small businesses with regard to statutes and district rules and
5 regulations to which they are subject and to assist them in
6 identifying the most efficient and least costly means of
7 complying with those statutes and rules and regulations.

8 (3) Settlement agreement procedures whereby persons who are
9 in violation of those statutes or district rules or regulations may
10 agree to take actions to improve air quality in lieu of paying
11 monetary fines or penalties.

12 *(b) For any notice of violation of Section 41700 or any district*
13 *regulation for public nuisance, the district shall post a copy of*
14 *the notice of violation on the district's Internet Web site, no more*
15 *than two days after ensuring that the information on the notice is*
16 *accurate.*

17 *SEC. 2. If the Commission on State Mandates determines that*
18 *this act contains costs mandated by the state, reimbursement to*
19 *local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code.*

22 ~~(b) (1) For any notice of violation when the violation~~
23 ~~contributes to, or potentially conceals, an emission that~~
24 ~~contributes to unhealthy air quality, the district shall do all of the~~
25 ~~following:~~

26 ~~(A) Post a copy of the notice of violation on the district's~~
27 ~~Internet Web site.~~

28 ~~(B) Provide a copy of the notice of violation to all of the~~
29 ~~following:~~

30 ~~(i) The city, county, or city and county, whichever is~~
31 ~~applicable, where the violation occurred.~~

32 ~~(ii) Each resident living within 1,000 feet of the facility for~~
33 ~~which the notice of violation was issued.~~

34 ~~(iii) Each school, hospital, daycare center, senior center, or~~
35 ~~home located within 1,000 feet of the facility for which the~~
36 ~~notice of violation was issued.~~

37 ~~(iv) Any other person or entity located within 1,000 feet of the~~
38 ~~facility for which the notice of violation was issued that, in the~~
39 ~~judgment of the district, should be notified.~~

1 ~~(2) In addition to any administrative, civil, or criminal~~
2 ~~penalties that are imposed relating to the same violation, the~~
3 ~~district shall require any person found to have committed a~~
4 ~~violation described in this subdivision to reimburse the district~~
5 ~~for the actual cost to the district of complying with paragraph (1).~~

6 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
7 ~~Section 6 of Article XIII B of the California Constitution because~~
8 ~~the only costs that may be incurred by a local agency or school~~
9 ~~district will be incurred because this act creates a new crime or~~
10 ~~infraction, eliminates a crime or infraction, or changes the~~
11 ~~penalty for a crime or infraction, within the meaning of Section~~
12 ~~17556 of the Government Code, or changes the definition of a~~
13 ~~crime within the meaning of Section 6 of Article XIII B of the~~
14 ~~California Constitution.~~